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Attorneys for Plaintiff Flemming Kristensen

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

FLEMMING KRISTENSEN, individually and  
on behalf of a class of similarly situated  
individuals,

Plaintiff,

v.

CREDIT PAYMENT SERVICES INC., a  
Nevada corporation, f/k/a  
MYCASHNOW.COM INC., ENOVA  
INTERNATIONAL, INC., an Illinois  
corporation, PIONEER FINANCIAL  
SERVICES, INC., a Missouri corporation,  
LEADPILE LLC, a Delaware limited liability  
company, and CLICKMEDIA LLC d/b/a  
NET1PROMOTIONS LLC, a Georgia limited  
liability company,

Defendants.

Case No. 2:12-CV-00528-APG(PAL)

CLASS ACTION

**STIPULATED DISCOVERY  
PLAN AND [PROPOSED]  
SCHEDULING ORDER –**

**SPECIAL SCHEDULING  
REVIEW REQUESTED**

Judge: Hon. Andrew P. Gordon

Magistrate: Hon. Peggy A. Leen

1 Plaintiff Flemming Kristensen (“Plaintiff”) and Defendants Credit Payment Services,  
 2 Inc. (“CPS”), Enova International, Inc. (“Enova”), Pioneer Financial Services, Inc.  
 3 (“Pioneer”), Leadpile LLC (“Leadpile”), and Clickmedia LLC (“Clickmedia”) (collectively,  
 4 the “Parties”), by and through their respective counsel of record, following a May 21, 2013  
 5 conference of counsel, hereby submit this Stipulated Discovery Plan and Scheduling Order  
 6 pursuant to Federal Rules of Civil Procedure Rule 26 and District of Nevada Local Rule 26-  
 7 1, which by Stipulation of the Parties (dks. 64 & 68) is intended to replace the November 11,  
 8 2012 Scheduling Order (dkt. 24).

9 **I. CATEGORIES UNDER FED. R. CIV. P. 26(f)**

10 **A. Rule 26(a) Disclosures**

11 The Parties will exchange 26(a) disclosures by or before June 25, 2013.

12 **B. Subjects of Discovery**

13 The Parties anticipate needing discovery on issues relating to class certification, as  
 14 well as the facts underlying this case. In addition to oral and written discovery between the  
 15 Parties, there will be a need for third-party depositions as well as additional third-party  
 16 discovery related to the text messages at issue in this case. The Parties also anticipate  
 17 discovery relating to the alleged use of an automatic telephone dialing system (“ATDS”), as  
 18 defined by the TCPA, 47 U.S.C. § 227 *et seq.*, which will likely include expert discovery.

19 **C. Form and Disclosure of Electronically Stored Information**

20 The Parties anticipate that a substantial portion of the discovery in this case will  
 21 involve electronically stored information (“ESI”). Plaintiff’s counsel and Defendants’  
 22 counsel have discussed with their client the importance of preserving ESI. The Parties have  
 23 agreed to engage in further discussions regarding ESI, including the retention, search, and  
 24 production of ESI, and the format of such production, as the need arises.

25 **D. Issues about Claims of Privilege**

26 A Stipulated Protective Order that addresses the protection of confidential and  
 27 privileged information was reached between Plaintiff and CPS, and was approved by the  
 28

1 Court prior to the amending of the Complaint. (Dkt. 32.) Enova, Pioneer, Leadpile, and  
2 Clickmedia agree to be bound by the terms of the Stipulated Protective Order.

3 **E. Changes and Limitations on Discovery**

4 The Parties agree that discovery should proceed according to the Federal Rules of  
5 Civil Procedure.

6 **II. Items Required Under D. Nev. L.R. 26-1(e)**

7 There are currently two fully-briefed motions to dismiss pending before the Court,  
8 and as a result Defendants LeadPile and Click Media have not answered Plaintiff's Amended  
9 Complaint, but have both appeared. Defendant CPS answered the Amended Complaint on  
10 March 28, 2013, Defendant Pioneer answered on April 5, 2013, and Defendant Enova  
11 answered on April 26, 2013.

12 The Parties agree that a change from the default time period in which to complete  
13 discovery under Local Rule 26-1(e)(1) is appropriate because this case is brought as a  
14 putative class action, involves multiple parties, and will involve substantial class discovery  
15 and merits discovery that includes third-party discovery. In addition, Plaintiff was only  
16 granted leave to amend on February 23 (dkt. 33), and the new Defendants did not answer or  
17 otherwise plead until late March/early April 2013. As such, the Parties agreed to stipulate to  
18 set new deadlines for discovery, as the discovery deadlines originally set in this case were no  
19 longer practicable. (dkt. 68.)

20 To date, Plaintiff has already served both requests for production and interrogatories  
21 on Defendant CPS. Plaintiff has also served seven subpoenas on numerous third parties and  
22 noticed the deposition of third-party individuals with information relevant to this litigation,  
23 although those depositions have been stayed pending the entry of the new Defendants. The  
24 Parties anticipate serving additional third-party subpoenas for document production and  
25 depositions. Given the number of Parties, as well as the sheer scope of this litigation, the  
26 Parties agree that deviation from the default discovery period is necessary.

27 The Parties have agreed to focus on discovery issues relating to Class Certification  
28 during the time period prior to Plaintiff's Motion for Class Certification and reserve

discovery solely related to the merits until after that Motion has been filed. The Parties also recognize the potential for discovery that overlaps both class certification and merits issues, and have agreed to address those issues as they arise. Finally, the Parties agree to extend the briefing schedules from the default rules for any class certification motions and motions for summary judgment, and will agree to specific briefing schedules in the future.

Deadline to File Plaintiff's Motion for Class Certification	October 31, 2013
Discovery Deadline	April 30, 2014
Deadline to Amend Pleadings and Add Parties	January 30, 2014
Deadline to Disclose Expert Witnesses	March 3, 2014
Deadline to Disclose Rebuttal Expert Witnesses	April 2, 2014
Deadline to File Dispositive Motions	May 30, 2014
Deadline for Filing Joint Pretrial Order and Fed. R. Civ. P. 26(a)(3) Disclosures	June 30, 2014

Dated: June 10, 2013

**Respectfully submitted by:**

/s/ John C. Ochoa

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**IT IS SO ORDERED** this 23rd day of July, 2013.



Peggy A. Leen  
United States Magistrate Judge